

REMARKS

In the June 2, 2005 Office Action, the Examiner noted that claims 1-11 were pending in the application and were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,182,072 to Leak et al. (Reference A). Claims 1-11 remain in the case. The Examiner's rejections are traversed below.

Contrary to the statement that "Applicant's amendment necessitated the new ground(s) of rejection" (Office Action, page 3, lines 5-6), the June 2, 2005 Office Action is almost identical to the Office Action mailed August 26, 2004, except that instead of rejecting claims 1-7 and 9-11 under 35 U.S.C. § 102, all of the claims were rejected under 35 U.S.C. § 103. Language that changed since the August 26, 2004 Office Action includes the citation of "Figure 4, items 21-23" of Leak et al. as disclosing "instruction information to be used to automatically select a plurality of selection items, described in a language for data broadcasting" (claim 1, lines 4-5), followed by the statement that Leak et al. "discloses the use of HTML, which can be used in data broadcasting" (Office Action, page 2, item 3, lines 6-7). It is submitted that the boxes labeled CPU 21, NVS 22 and RAM 23 would not make the operation quoted above from claim 1 obvious to one of ordinary skill in the art, regardless of whether HTML is used for data broadcasting.

In addition, the Office Action asserted that the statement at column 4, lines 43-46 of Leak et al. that "modem 27 may be a conventional telephone modem, an ISDN or Ethernet adapter, or any other suitable data communication device" would have made it "obvious to one of ordinary skill in the art to implement Leak with receiving content information of data broadcasting in digital broadcasting so as to simplify the communications link between the set top box and the [server]" (Office Action, page 3, lines 9-11). As discussed in more detail below, the independent claims have been amended to clarify that "data broadcasting in digital broadcasting" (e.g., claim 1, lines 2-3) relates to transmission of "a video stream and an audio stream" (e.g., claim 1, lines 4-5). The cited portion of column 4 in Leak et al. relates only to alternative devices used in a receiver and there is no suggestion in Leak et al. of the type of transmission recited in claim 1.

The Office Action also contains the statement that it "is notoriously well ... [known] in the art to confirm outputted content information so as to ensure that the user is receiving the valid data" (Office Action, page 9, lines 10-12). This suggests the Examiner is relying on Official Notice; however, there are many methods of validating data reception and Leak et al. contains no suggestion of using any of them. Furthermore, in the case of "data broadcasting" (e.g., claim 1, line 9), content is updated in real time (see the Description of the Related Art on pages 2-3 of the application) and it is possible to change the content sequentially according to unique time

scheduling. As described in the application, conventionally the data broadcasting content is constantly monitored to determine whether there is a problem in what is being broadcasted, not merely what is being generated. This requires more than confirming outputted content information to ensure that the user is receiving valid data. It is submitted that "selecting ... items in a prescribed order from the content information if the operational procedure is in advance described in the content information" (claim 4, lines 2-4) is not so "notoriously well know[n]" that Official Notice can be relied on for this specific method. Therefore, Applicant demands that evidence be provided that it would be obvious to apply one of the known techniques to the system disclosed by Leak et al. with the other modifications required to meet the limitations in the claims if the claims continue to be rejected over Leak et al.

The claims have been amended to clarify the distinctions of the present invention over the prior art. Nothing has been cited or found in Leak et al. that teaches or suggests the selecting and converting operations performed by the selection device and converting unit recited in claim 1, the selection and conversion means recited in claim 9 or performed in the methods recited in claims 7, 8, and 11. Furthermore, no description has been found in Leak et al. of "an output device outputting a broadcast signal including an elementary stream signal which includes a video stream and an audio stream, and a section signal which includes content information in which information about the operational procedure is described" (claims 6, last 3 lines). Since claim 10 recites a similar limitation, it is submitted that all of the claims patentably distinguish over Leak et al.

Summary

It is submitted that Leak et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-11 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/767,716

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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